

**ASSEMBLY BILL**

**No. 1475**

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**Introduced by Assembly Member Solorio**

February 27, 2009

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An act to amend Section 1797.98a of the Health and Safety Code, relating to emergency medical services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1475, as introduced, Solorio. Emergency medical services.

Existing law establishes the Maddy Emergency Medical Services (EMS) Fund, authorizing each county to establish an emergency medical services fund for reimbursement of EMS-related costs, and provides that the costs of administering the fund shall be reimbursed, based on the actual administrative costs, not to exceed 10% of the amount of the fund.

This bill would, instead, provide that the costs of administering the EMS Fund that are reimbursed by the fund are not to exceed the actual costs of administering the fund or 10% of the amount of the fund, whichever amount is lower.

Existing law, until January 1, 2014, provides for the deposit into the EMS Fund of an additional penalty levied in the amount of \$2 for every \$10 upon fines, penalties, and forfeitures collected for criminal offenses, as specified. Existing law, until January 1, 2014, requires 15% of the funds collected pursuant to this additional penalty to be expended for pediatric trauma centers. Costs of administering money deposited into the EMS Fund from this additional penalty are to be reimbursed from the money collected, not to exceed 10%.

This bill would, instead, provide that the costs of administering the moneys deposited from the additional penalty are reimbursed from the

moneys collected but are not to exceed the actual costs of administering these moneys or 10% of these moneys, whichever amount is lower.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1797.98a of the Health and Safety Code  
2 is amended to read:

3 1797.98a. (a) The fund provided for in this chapter shall be  
4 known as the Maddy Emergency Medical Services (EMS) Fund.

5 (b) (1) Each county may establish an emergency medical  
6 services fund, upon the adoption of a resolution by the board of  
7 supervisors. The moneys in the fund shall be available for the  
8 reimbursements required by this chapter. The fund shall be  
9 administered by each county, except that a county electing to have  
10 the state administer its medically indigent services program may  
11 also elect to have its emergency medical services fund administered  
12 by the state.

13 (2) Costs of administering the fund shall be reimbursed by the  
14 fund, ~~based on~~ *in an amount that does not exceed* the actual  
15 administrative costs, ~~not to exceed~~ *or 10 percent of the amount of*  
16 *the fund, whichever amount is lower.*

17 (3) All interest earned on moneys in the fund shall be deposited  
18 in the fund for disbursement as specified in this section.

19 (4) Each administering agency may maintain a reserve of up to  
20 15 percent of the amount in the portions of the fund reimbursable  
21 to physicians and surgeons, pursuant to subparagraph (A) of, and  
22 to hospitals, pursuant to subparagraph (B) of, paragraph (5). Each  
23 administering agency may maintain a reserve of any amount in  
24 the portion of the fund that is distributed for other emergency  
25 medical services purposes as determined by each county, pursuant  
26 to subparagraph (C) of paragraph (5).

27 (5) The amount in the fund, reduced by the amount for  
28 administration and the reserve, shall be utilized to reimburse  
29 physicians and surgeons and hospitals for patients who do not  
30 make payment for emergency medical services and for other  
31 emergency medical services purposes as determined by each county  
32 according to the following schedule:

1 (A) Fifty-eight percent of the balance of the fund shall be  
2 distributed to physicians and surgeons for emergency services  
3 provided by all physicians and surgeons, except those physicians  
4 and surgeons employed by county hospitals, in general acute care  
5 hospitals that provide basic, comprehensive, or standby emergency  
6 services pursuant to paragraph (3) or (5) of subdivision (f) of  
7 Section 1797.98e up to the time the patient is stabilized.

8 (B) Twenty-five percent of the fund shall be distributed only to  
9 hospitals providing disproportionate trauma and emergency medical  
10 care services.

11 (C) Seventeen percent of the fund shall be distributed for other  
12 emergency medical services purposes as determined by each  
13 county, including, but not limited to, the funding of regional poison  
14 control centers. Funding may be used for purchasing equipment  
15 and for capital projects only to the extent that these expenditures  
16 support the provision of emergency services and are consistent  
17 with the intent of this chapter.

18 (c) The source of the moneys in the fund shall be the penalty  
19 assessment made for this purpose, as provided in Section 76000  
20 of the Government Code.

21 (d) Any physician and surgeon may be reimbursed for up to 50  
22 percent of the amount claimed pursuant to subdivision (a) of  
23 Section 1797.98c for the initial cycle of reimbursements made by  
24 the administering agency in a given year, pursuant to Section  
25 1797.98e. All funds remaining at the end of the fiscal year in excess  
26 of any reserve held and rolled over to the next year pursuant to  
27 paragraph (4) of subdivision (b) shall be distributed proportionally,  
28 based on the dollar amount of claims submitted and paid to all  
29 physicians and surgeons who submitted qualifying claims during  
30 that year.

31 (e) Of the money deposited into the fund pursuant to Section  
32 76000.5 of the Government Code, 15 percent shall be utilized to  
33 provide funding for all pediatric trauma centers throughout the  
34 county, both publicly and privately owned and operated. The  
35 expenditure of money shall be limited to reimbursement to  
36 physicians and surgeons, and to hospitals for patients who do not  
37 make payment for emergency care services in hospitals up to the  
38 point of stabilization, or to hospitals for expanding the services  
39 provided to pediatric trauma patients at trauma centers and other  
40 hospitals providing care to pediatric trauma patients, or at pediatric

1 trauma centers, including the purchase of equipment. Local  
2 emergency medical services (EMS) agencies may conduct a needs  
3 assessment of pediatric trauma services in the county to allocate  
4 these expenditures. Counties that do not maintain a pediatric trauma  
5 center shall utilize the money deposited into the fund pursuant to  
6 Section 76000.5 of the Government Code to improve access to,  
7 and coordination of, pediatric trauma and emergency services in  
8 the county, with preference for funding given to hospitals that  
9 specialize in services to children, and physicians and surgeons  
10 who provide emergency care for children. Funds spent for the  
11 purposes of this section, shall be known as Richie's Fund. This  
12 subdivision shall remain in effect only until January 1, 2014, and  
13 shall have no force or effect on or after that date, unless a later  
14 enacted statute, that is chaptered before January 1, 2014, deletes  
15 or extends that date.

16 (f) Costs of administering money deposited into the fund  
17 pursuant to Section 76000.5 of the Government Code shall be  
18 reimbursed from the money collected, ~~not to exceed in an amount~~  
19 *that does not exceed the actual administrative costs or 10 percent*  
20 *of the money collected, whichever amount is lower.* This  
21 subdivision shall remain in effect only until January 1, 2014, and  
22 shall have no force or effect on or after that date, unless a later  
23 enacted statute, that is chaptered before January 1, 2014, deletes  
24 or extends that date.